

THE DAILY PRESS  
is the only newspaper  
in Newport News that  
receives the full Associated Press report.

Partly cloudy  
Thursday; showers  
and cooler in north  
portion; Friday part-  
ly cloudy.

## O'BRIEN DECLINES TO ACT ON COMMISSION

Former Supreme Court Jus-  
tice Takes Oath of Office and  
Then Sends in Resignation.

### IT WILL MEET THIS AFTERNOON

Most of the Sessions Will be Open  
But Executive Meetings Will be  
Held from Time to Time—Well  
Known Lawyer Appointed in Judge  
O'Brien's Place.

(By Associated Press.)  
NEW YORK, March 27.—After the jury which has been trying Harry K. Thaw for more than two months past was excused today until next Monday morning, and the members of the lunacy commission named yesterday by Justice Fitzgerald to inquire into Thaw's present state of mind had been sworn in, there came the sudden announcement late in the afternoon that former Supreme Court Justice Morgan J. O'Brien, the chairman of the commission, had resigned.

In a letter to Justice Fitzgerald, Judge O'Brien stated that upon reflection he was forced, because of the condition of his health and professional engagements, previously entered into, to decline to serve as a member of the commission. Justice Fitzgerald immediately made a new appointment, David McClure, a well known attorney of this city and a member of former Police Commissioner McAdoo's advisory committee, to fill the vacancy. McClure met the other members of the commission this afternoon and was selected as chairman. Later he announced that the first session of the commission will be held tomorrow afternoon at 2 o'clock in the court room where the trial has been in progress. The commission's inquiry in general will be an open one, although there will be executive sessions from time to time. The announcement of Justice O'Brien's resignation came as a complete surprise.

When the Thaw jury reported in court this morning at 10 o'clock Justice Fitzgerald was engaged in his chambers with the members of the commission whose appointment he announced yesterday. These were former Justice O'Brien, former District Attorney Peter B. Olney and Doctor Leopold Putzel. Justice Fitzgerald administered the oath of office to the commissioners and talked with them concerning the case and their duties in connection with the inquiry they were about to undertake. The interview lasted for more than an hour and then Justice Fitzgerald convened court and the three commissioners filed in and took their places near the clerk's desk. Harry Thaw was brought into court and found all the members of his family awaiting him. He looked exceedingly well physically and smiled agreeably to his mother, his wife, his sisters and brothers.

Justice Fitzgerald in discharging the jury till next Monday, warned them to be careful not to discuss the case in any way or to read any newspaper's account of what is taking place. It was said that in directing the jury to report next Monday, Justice Fitzgerald did not wholly expect that the commission will be ready to render an opinion by that time. If the commission inquiry is prolonged, the jury will be called into court every few days in order that it may be kept intact for a resumption of the trial should Thaw be declared sane at the present time.

**O'Brien's Resignation Unexpected.**  
Following the proceedings in court Justice Fitzgerald had another conference with the three commissioners originally selected and when they left court building at the luncheon hour, it was announced that they were to reassemble at 3 o'clock. At that hour Mr. Olney and Doctor Putzel put in their appearance. Mr. McClure arrived soon afterward and was ushered into the justice's chamber. His presence was unexplained, however, for more than an hour.

Then came the announcement of Judge O'Brien's resignation and the appointment of Mr. McClure as his successor. Messrs. McClure, Olney and Putzel conferred for some time and finally announced that their first formal session will be held tomorrow afternoon and would be open to the public. The commission hopes to get under way without any delay whatsoever, and will press the inquiry to the speediest possible conclusion.

**His Letter of Declination.**  
In resigning from the lunacy commission, former Justice O'Brien wrote to Justice Fitzgerald as follows: "My dear Justice Fitzgerald:—

"When you honored me by asking me to consent to become a member of the commission in the Thaw case and suggested that by so doing I would be rendering a public service, I accepted your request notwith-

standing my disinclination to again assume public duties.

"Upon reflection, however, I am reluctantly forced to the conclusion that in view of the present condition of my health and of professional engagements previously accepted and involving obligations to others which I cannot evade, I must decline the service much as I regret this decision."

"In arriving at this determination, I assure you that I have not undervalued the importance to the public of the service which you have so kindly requested me to undertake, and my conclusion has been reached only after careful consideration of the present condition of my health and other obligations previously assumed by me."

"With sentiments of esteem and appreciation of your expression of confidence, I remain,

"Gratefully yours,  
MORGAN J. O'BRIEN."

## MILITARY GUARD AT ALEXANDRIA TRIAL

Line of Armed Men Stationed About  
the Court During the Trial of  
George Midgetts.

ALEXANDRIA, VA., Mar. 27.—The trial of George Midgetts, alias William Johnson, began here this morning before Judge Bailey, in the Corporation Court.

Midgetts was brought to this city in an electric car, guarded by Company L, Seventieth Virginia Regiment of Fredericksburg, from the jail at Fort Meyer. Arriving in this city, a line was formed by the military around the courthouse and no one was allowed within but newspaper men, court officials and jurymen.

The entire morning was consumed in the selection of a jury. The following jury were secured: Frank M. Michelback, Jonathan Matthews, Samuel Boush, August H. Pope, Thomas A. Fisher, John G. Cockey, John B. Carter, James M. C. Cuen, William C. Brunner, Adam Martin.

Commonwealth's Attorney Brent opened the case by reviewing the facts leading to the murder of Smith. After the opening address of Commonwealth's Attorney Brent, the case proceeded.

## OFFICIALS OF NEW YORK CENTRAL R. R. ARE HELD

They Will Have to Answer the Charge  
of Manslaughter Before the  
Grand Jury.

NEW YORK, March 27.—Three indictments were returned against the New York Central Railroad and its officers today as a result of the wreck of the Brewster Express near Woodland on the night of February 16th, in which twenty-four persons were killed. The indictments charge manslaughter in the second degree. The indicted officials are Vice-President Albert H. Smith and General Superintendent Ira A. McCormick.

The third indictment is against the railroad as a corporation.

It was arranged that the defendants shall plead at 10:30 tomorrow morning. They were released in \$10,000 bail each. The maximum sentence for conviction of manslaughter in the second degree is ten years in prison. The New York Central as a corporation can be fined if found guilty.

## WILL PROBABLY HAVE AN ELECTION IN PHILIPPINES

Upon Assurance That Peace Reigns  
the President Will Order a General  
Election for July 30.

(By Associated Press.)  
WASHINGTON, D. C., Mar. 27.—The Philippine Commission has been instructed by cable to inform President Roosevelt whether a condition of general and complete peace, with recognition of the authority of the United States, has continued in all that portion of the archipelago not inhabited by Moros or other non-Christian tribes for the past two years. If the answer is in the affirmative the President will immediately direct the commission to call a general election on July 30 next for the choice of delegates to the first popular assembly of the people of the Philippine Islands which assembly consisting of two houses, the upper composed of the Philippine commission and the lower house of the delegates to be elected next July will take over all the legislative power now exercised by the Philippine commission alone. Under an act of Congress none of the members of the non-Christian tribes can participate in the elections.

## For Two-Cent Fare in Pennsylvania.

HARRISBURG, PA., Mar. 27.—The Senate has passed finally the house two-cent railroad fare bill. The bill now goes to the house for concurrence in the Senate amendments one of which provides for a fine of \$1,000 for each and every offence committed by a railroad company against the provisions of the act.

## National Banks' Condition.

(By Associated Press.)  
WASHINGTON, D. C., Mar. 27.—The comptroller of the currency today issued a call for the condition of National banks at the close of business Friday, March 22.

## BIG RAILROAD STRIKE IN WEST IS PROBABLE

Managers and Brotherhood Have  
Another Conference But Are  
Unable to Reach Agreement.

### 45,000 MEN WILL LEAVE PLACES

Conductors and Trainmen are Not  
in Trifling Mood and Unless the  
Railroads Make Concessions this  
strike Will Be Called Within Forty-  
eight Hours.

(By Associated Press.)  
CHICAGO, ILL., March 27.—The 45,000 trainmen of the Western railroads seem nearer a strike tonight than any time since the negotiations were begun two months ago for an increasing of 12 per cent in wages and a work day of nine hours. The conference today between the representatives of the men and the officials lasted four hours but was a failure in bringing about a solution of the trouble. The railroads offered the men an increase of seven per cent to passenger conductors and 10 per cent to brakemen, firemen, baggage men and allied workers.

When the railroad officers declared their offer was the best that could be made the conference came to an end as the men by a referendum vote taken last week had decided not to accept anything less than their original demands. Immediately after the joint conference broke up the representatives of the trainmen met to consider the advisability of calling a strike in order to bring the railroads to terms.

**Trainmen Determined to Win.**  
Just what decision was reached is not known tonight as the trainmen declined to discuss what had taken place at the meeting.

They were united however in declaring that a peaceable settlement of the controversy can be reached only by the general managers offering concessions.

Another meeting of the union men has been set for tomorrow. The outlook tonight is that a strike will be called within the next 48 hours unless the railroads request another conference. P. H. Morrissey, chief of the trainmen's organization said:

"We are instructed by the men to call strike unless the offer of railroads was satisfactory to us. The vote by which this attitude was reached carried the strike proposition by a tremendous majority. We are not satisfied and the men are not satisfied. We are not going to ask for any more conferences with the general managers. It is up to them to prevent the men cutting work and the only way they can do this is to accede to our demands."

A. B. Garrison, chief of the Conductors also declared that no further conferences would be held with the general managers. Secretary Thompson of the General Managers Association said: "We have not given up hope as yet of a peaceful adjustment of the difference."

## Prowler Caught Woman's Ankle.

STAUNTON, VA., March 27.—About 5:30 o'clock this morning, Mrs. H. M. Painter was awakened by some one catching her ankle, and found a negro man in her room. Mrs. Painter recognized the man as John Walker, who had worked for her. Walker was later arrested, while driving a grocery wagon, and again identified by Mrs. Painter, and put in jail.

## Baltimore Conference in Session.

STAUNTON, VA., March 27.—Last night the 123d session of the Baltimore Annual Conference, Methodist Episcopal Church, South, opened in this city. Rev. C. Sydenstricker, of Summit Point, W. Va., preached the opening sermon before a large and interesting body. As many as 430 delegates are here. Eight districts are represented in the Baltimore Conference, including a large part of Virginia, part of Maryland and part of Pennsylvania. The sessions will be presided over by Bishop E. E. Hoss, of Tennessee.

## Hill Possible President for V. P. I.

RALEIGH, N. C., March 27.—Professor Daniel Harvey Hill, of the chair of English, and vice-president of the Agricultural and Mechanical College here, has been approached in regard to accepting the presidency of the Virginia Polytechnic Institute, at Blacksburg. He has made no decision.

## Mrs. E. G. Tappen Sues for Divorce.

NORFOLK, VA., March 27.—Suit was entered yesterday in the court of law and chancery by Mrs. Ethel G. Tappen for a divorce from her husband, A. E. Tappen. No declarations were filed with the suit.

## FIENDS TRY TO WRECK PENNSYLVANIA TRAIN

Another Attempt Made to Hurt  
Passenger Coaches Down a  
Forty Foot Embankment.

### COMPANY OFFERS \$5,000 REWARD

Train Wreckers Had Removed Plates,  
Bolts and Spikes and It is Nothing  
Short of a Miracle That a Horrible  
Accident Did Not Occur—No One  
Was Hurt.

(By Associated Press.)  
PITTSBURG, PA., March 27.—Train No. 20, on the Pennsylvania road known as the Keystone Express, east-bound, was derailed near Wilmerding, Pa., fourteen miles east of here today. The engine, two mail cars and a combination baggage and smoker left the tracks. No one was hurt. The derailment was undoubtedly the work of train wreckers.

Both the eastbound and westbound train tracks had been tampered with, one rail joint on each track being displaced.

A man who passed the joints a few minutes before the accident occurred reported to the officials that he saw two men walking along the track. He gave the detectives a description of the men and every effort is being made to find him.

The scene of the wreck is at a sharp curve, near Turtle Run, and almost as if by a miracle the outside rail held against the grinding of the heavy train and prevented the whole train from plunging over a 40 foot embankment into the river. The two rail joints tampered with were not more than 25 feet apart and it is authoritatively stated that had a train on the westbound tracks come along it would certainly have crashed over the embankment. This would have probably happened had not the Chicago Limited train, No. 23, been late. Fortunately it was delayed and reached Wilmerding some time after the Keystone Express had been derailed.

As in the Chicago Limited wreck last winter the same method was adopted. The spikes, bolts, and fishplates from an entire length of rail had been removed and the rail turned inward on tracks numbers three and four the main tracks east and west-bound. Nearly every track wrench and a pair of gloves, while in the creek below, a claw bar, nuts, bolts and fishplates were found.

## \$5,000 in Rewards Offered.

PHILADELPHIA, PA., March 27.—The Pennsylvania road, through Mr. Atterbury, has offered rewards aggregating \$5,000 for the arrest and conviction of persons involved in the wrecking of its train from Pittsburgh. The derailment of the Chicago Limited last week and the attempted wrecking of the Keystone Express today led to a conference of officials to discuss the matter. As a result the general manager today sent broadcast throughout Pennsylvania the following: "To any person or persons furnishing information and evidence resulting in the apprehension and conviction of anyone or of persons who caused the derailment of one of its fast passenger trains at or near Stewart station on the 23rd instant, the Pennsylvania railroad will pay \$2,500; and said company will also pay a further reward of \$2,500 to any person or persons furnishing information and evidence resulting in the apprehension or conviction of anyone or more persons who maliciously caused the derailment of another of its fast passenger trains at or near Wilmerding on the 27th instant; or for any definite information which will enable the company to ascertain the name and whereabouts of anyone or more of the guilty parties, it will pay to the person furnishing the same a reward of \$500."

## FEDERAL EMPLOYERS DRAW THE COLOR LINE

Architects in the Treasury Department  
Complain Against Employ-  
ment of a Negro Draughtsman.

WASHINGTON, D. C., March 27.—Protest has been filed with Secretary Cortelyou by employees of the Supervising Architect's office of the Treasury against the employment of a negro draughtsman in the same room with the architects. A petition asking for the transfer or removal of the negro, numerously signed, has been presented to Mr. Cortelyou and feeling among some of the draughtsmen on the subject is so strong that they declare they will resign their positions rather than work at the same draughting boards or alongside of the negro, who has just been assigned to the division in which the

plans for all government buildings are prepared.

The negro, whose name is William Cook, was drawn from the eligible list of the civil service, having passed a competitive examination as draughtsman. No sooner had he begun work in the Supervising Architect's office than trouble began. The question was raised as to what particular draughting board he should be assigned. A young Virginian, upon learning that the negro was to be employed in the same room, promptly announced his intention of resigning and walked out of the room. Another young architect who was assigned to design the same building as that given the negro protested vigorously and was given another task.

This is the first time in recent years that the race issue has raised so pointedly in one of the government departments, and it is seldom that a petition of this character has been presented to the head of a department asking for the removal of a negro employee for race reasons only.

## SKIN GRAFTING TO SAVE WOMAN OF 106

Philadelphia Physicians Supply Cut-  
icle to Aid Healing of Injuries  
from Burns.

PHILADELPHIA, PA., March 27.—Skin grafting in a remarkable case was performed in the Hahnemann Hospital when two of the resident physicians gave portions of cuticle to Mrs. Sarah Flannery, who was badly burned several months ago.

Mrs. Flannery, who is 106 years old, was taken to the hospital suffering from burns covering the greater part of her body. The doctors had but little hope of her recovery. She rallied from the shock, however, and new skin began to grow, with the exception of a spot as big as the palm of a man's hand.

This place did not heal fast enough, and the doctors decided to resort to skin grafting. Two of them bared their arms, and skin was taken from them and placed on the woman. It will take at least six days for the physicians to know whether the operation has been successful.

## MRS. M'CORMICK WILL GET NO DAMAGES

Jury Returns Verdict for Railway  
Company—Second Trial  
of Case.

A verdict for the defendant was returned by a jury in the Corporation Court in the case of Mrs. N. L. McCormick against the Newport News & Old Point Railway & Electric Company yesterday afternoon. The jury was out only a few minutes before returning the verdict.

Mrs. McCormick brought suit some time ago for \$5,000 damages, claiming to have sustained permanent injuries by being thrown from a car owned by the defendant company. She alleged that as she started to alight from the car it was suddenly started and that she was thrown to the ground with great force.

The case was tried and the jury found for the plaintiff, giving judgment for \$1,500. An appeal was taken and the Court of Appeals granted a writ of error. Then an amended bill was filed, the amount of damages being fixed this time at \$10,000.

All the evidence was heard yesterday and late in the afternoon the attorneys concluded their argument.

Messrs. Ashby & Rial and E. S. Robinson appeared for the plaintiff and Messrs. E. M. Braxton and S. Gordon Cumming represented the defendant company.

## WILL NOT TAKE SHIPS UP POTOMAC RIVER

Officials Decide to Use Side-wheelers  
Instead of the Sumner  
and Meade.

WASHINGTON, D. C., March 27.—Because of the size of the party and the difficulty of safely navigating steamships up the Potomac river the officials having in charge the arrangements for the transportation of the diplomatic corps from the capital to the Jamestown Exposition have been obliged to abandon the plans for the using the army transports Sumner and Kilpatrick.

Therefore the committee has arranged to charter a large side-wheel passenger vessel which will afford ample accommodations for the international guests.

**Application is Granted.**  
The Norfolk board of harbor commissioners yesterday granted the application of the Jamestown Ice Corporation for the privilege of constructing a pier at Pine Beach. The privilege is granted subject to the approval of Engineer W. T. Brooks, who was unable to be present at the meeting of the board.

## Killed While Clipping a Horse.

CHICAGO, ILL., March 27.—Frank Tesmer, a horseshoer, was killed by electrocution while clipping a horse by electric power. He was holding the steel clippers in his hand when suddenly there came a blue streak from the ceiling. Tesmer was thrown against the wall of the shop and died instantly. The horse also was killed.

## SOLDIERS SHOOT DOWN REVOLTING PEASANTS

Reported That Some 200 Were  
Killed or Wounded in Yesterday's  
Fights in Moldavia.

### PEACE BEING SLOWLY RESTORED

It is Feared That the Soil Will  
Not be Tilled and There Will  
be a Wheat Famine Which Would  
Mean a Great Financial Loss to  
Roumania.

BUKHAREST, ROUMANIA, March 27.—It is reported that some 200 peasants were killed or wounded today in conflicts with troops in various districts of Moldavia.

**Peasants Commit Revolting Crimes.**  
LONDON, March 27.—A special despatch from Sofia, Bulgaria says that according to some of the Roumanian refugees who have arrived on the Bulgarian side of the Danube the insurgent peasantry have been guilty of the same ruthless cruelties which usually mark the feuds in the Balkans.

Many of the landlord class have been burned to death. Several children, the refugees report, have been hanged to death by the revolting peasants.

## Has Been Much Fighting.

VIENNA, March 27.—Press despatches received here from Czernowitz on the Moldavian frontier say that conditions in certain parts of Roumania are most serious.

Grave disorders are reported to have broken out on the estates of King Charles at Polna and troops have been sent to the Royal Domains. It is rumored that large numbers of peasant rioters have been killed in conflicts near Braila and Pautschka and it appears that a large number of rioters who were trying to get in the towns, were repulsed by soldiers near the village of Loasvent with a loss of 20 men killed then the peasants turned attention on Braila.

Sanguinary fighting is reported also at Vlasta near Stareskile and at Crailova, but these reports probably refer to occurrences of Monday and Tuesday as owing to the censorship all despatches have to be mailed to the frontier.

Information reaching here at a late hour tonight indicates that peace is being slowly restored, particularly in the northern part of Moldavia. It is feared, however, that one result of the disturbance will be the neglect of tillage and a consequent dearth of wheat next winter with diminishing exports that will mean a financial calamity to Roumania.

## Washingtonian Fatally Burned.

HARRISONBURG, VA., March 27.—William Johnson, a white tramp, who said he was a native of Washington, died in the county almshouse near Pleasant Valley yesterday as the result of burns suffered while he lay in a drunken stupor in his camp near Harrisonburg a few days ago.

## Laborer Crushed to Death.

HARRISONBURG, VA., March 27.—Jacob W. Emswiler was killed while at work on the foundation of the new Presbyterian church here yesterday by being caught under a lot of falling dirt. John Delrick, who was with Emswiler shortly before the latter was killed, escaped.

## WILLIAM & MARY AND RICHMOND COMING TODAY

Game Arranged for Next Monday  
Afternoon By Merchants' Association.

Richmond College and William & Mary College will send their baseball teams here next Monday for a game on the Casino grounds. Since the football game on the Casino Thanksgiving Day the students of both of these schools have been anxious to come to Newport News again, and yesterday President Sprague, of the Merchants' Association, was notified that the game had been arranged for.

The Merchants' Association will secure the services of a band and endeavor to make the day a gala one. All the business men will be asked to decorate their buildings for the day and it is possible that many of the stores will be closed. Arrangements will be made for hotel accommodations and carriages will be at the depot to meet the teams when they arrive.

Games between Richmond College and Pennsylvania and William & Mary and Columbia were scheduled to be played here, but both were cancelled, so the Virginia schools decided to come and have a game among themselves.